

REMARKS

First, the formalities with respect to claim dependencies have been corrected. There are no multiple dependent claims among claims 1-20. Therefore, claims 7-16 are now in proper form, as are claims 23-31 and 34-35. Claims 32-33 are canceled as directed to non-statutory subject matter.

It is believed that the foregoing amendments to the claims put all claims in the appropriate form for examination.

Claims 1 and 2 have further been amended for clarification and to respond to the outstanding rejection under 35 USC 112, second paragraph. Claim 1 is directed to a composition of lipid-based vehicles for delivery of a biologically active agent to a cell. The nature of these lipid-based vehicles is extensively described in the specification. Beginning on page 8, line 7, and specific types of such vesicles as liposomes, and micelles are further described. Thus it is clear that the composition must contain these vehicles. This should clarify the definition of A since A must be a component contained in these well-defined vehicles. Typically, this component will be a lipid, but the nature of A is restricted by the necessity that it be a component of the well-defined vehicles set forth in the specification.

Claim 2 has also been amended for clarification and the amendment is self-explanatory.

No new matter is added and entry of the amendment is respectfully requested.

Priority

Applicants do not understand the requirement to amend the current status of the priority applications since both priority applications are interim applications which automatically expire after certain periods of time. Thus, the provisional application lapses after one year of its filing and the PCT application lapses 30 months from the priority date. Therefore, it is believed no further description of these documents is needed.

Specification

The requested correction to the specification has been made.

Rejection Under 35 U.S.C. § 112, Second Paragraph

This basis for rejection is grounded in the assertion that it is unclear what are the metes and bounds of component A.

Respectfully, it is believed that the amendment to the claims further clarifies the metes and bounds of component A. Component A must be such that it can be contained in the structure of the vehicles. In some portions of the specification, for example on page 3, line 30, A is simply defined as a lipid-based vehicle itself. It is believed that defining A as a component of the vehicle is more technically accurate, but if the Examiner believes that the claim would be more precise by defining A as the vehicle itself, such an amendment would be acceptable to applicants.

Conclusion

As the outstanding rejections have been addressed by amendment and explanation, and there are no substantive rejections, it is believed that the pending claims, claims 1-31 and 34-35, may be passed to issue.

If the Examiner does not agree and believes that further definition is required for A, such as specifying it as a lipid, a telephone call to the undersigned is respectfully requested. Applicants wish not to prolong prosecution of the application when there appear to be no outstanding substantive rejections.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 532552001200.

Respectfully submitted,

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